

UNITED STATES DISTRICT COURT
 for the
DISTRICT OF MASSACHUSETTS

In the Matter of the Search of _____)
(Briefly describe the property to be searched or identify the person by name and address))
 Case No. 19-MJ-5101-JGD
 27 ATHENS STREET APT. #3 CAMBRIDGE, MA)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of MASSACHUSETTS
(identify the person or describe the property to be searched and give its location):
 27 ATHENS STREET APT. #3 CAMBRIDGE, MA, ALL AS MORE FULLY DESCRIBED IN ATTACHMENT 1

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):*

THE ITEMS DESCRIBED IN ATTACHMENT 2

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before May 2, 2019
(not to exceed 14 days)
 in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge JUDITH G. DEIN

(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to give notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* days *(not to exceed 30)*.



Until the Judith G. Dein, the later specific date of _____.

12:25 PM, Apr 18, 2019

Date and time issued:

Judith G. Dein

Judge's signature

City and state: BOSTON, MASSACHUSETTS U.S. MAGISTRATE JUDGE JUDITH G. DEIN

Printed name and title

MJ No. 19-5101-JGD

ATTACHMENT 1--PROPERTY TO BE SEARCHED

TARGET LOCATION #1

Target Location #1 is 27 Athens Street, Apartment #3, in Boston, Massachusetts. 27 Athens Street, Apartment #3 is a residential apartment unit on the third floor of a three (3) story, six (6) family apartment building. It is located on the right side of Athens Street, a one-way street. The building is made of yellow siding. There are steps leading to the front doors of the apartment building. The building has two sets of front doors. The front door on the right has the number "27" to the right of the door, under a porch light. The door to 27 Athens is a red double door with a clear glass window in the center.

The apartment to be searched is Apartment #3, located on the right side of the third floor. A photograph of 27 Athens Street appears below.



MJ No. 19-5101-JGD

ATTACHMENT 2

Description of Potential Items to be Seized

Evidence of a crime, contraband, fruits of a crime, other items illegally possessed, or property designed for use, intended for use, or used in committing violations of 18 U.S.C. Sections 922(a)(1), or 922(g)(1) including, without limitation:

1. Any and all firearms, ammunition, ammunition feeding devices, cartridges, cartridge cases, original boxes for firearms, holsters, cleaning kits and supplemental firearm devices such as silencers and/or laser sights or any other items related to firearms.
2. Books and papers reflecting debts and collections relating to monies owed or due for the purchase or sale of firearms or ammunition; and records relating to income and expenditures for the purchase or sale of firearms or ammunition which were generated during the period since July 1, 2018;
3. Photographs of firearms or ammunition or of persons in possession of firearms or ammunition;
4. Books, records, receipts, notes, ledgers, paper copies of emails or text messages and other papers relating to the acquisition or sale of firearms or ammunition which were generated during the period since July 1, 2018;
5. Cell phones and all of their digital contents, including text messages, call logs, address boxes, e-mail inboxes, records of Internet activity, location information, and software (or applications) used; voicemails, photographs, and videos relating to the acquisition or sale of firearms or ammunition and which were generated during the period since July 1, 2018;
6. Personal books and papers reflecting names, addresses, telephone numbers, and other contact or identification data relating to the acquisition or sale of firearms or ammunition;
7. Items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the Target Locations including but not limited to canceled mail, deeds, leases, rental agreements, photographs, utility and telephone bills, identification documents, and keys;
8. During the execution of the search of the Target Locations described in Attachment 1, law enforcement personnel are authorized to press the fingers (including thumbs) of **ROBERT BRITO-PINA** to the Touch ID sensor of any Apple cellular phone found at the Target Locations for the purpose of attempting to unlock the device(s) via Touch ID in order to search the contents as authorized by this warrant if they have reasonable

suspicion that **BRITO-PINA** is a user of the device. The fingers to be used shall be chosen only by the searching law enforcement personnel.

9. During the execution of the search warrant, law enforcement personnel shall be entitled to seize any cellular phone if they have reasonable suspicion that **BRITO-PINA** is a user of the device so that it may be searched off-site and then to return it to the owner as set forth below.
10. Nothing in this warrant shall authorize the search or seizure of any computer or computer related equipment (other than a cellular phone for which they have reasonable suspicion that **BRITO-PINA** is a user of the device) without further order of the Court.

RETURN OF SEIZED CELLULAR TELEPHONES

If the owner of the seized cellular phone requests that it be returned, the government will attempt to do so, under the terms set forth below. If, after inspecting any seized cellular phone, the government determines that some or all of this equipment does not contain contraband or the passwords, account information, or personally-identifying information of victims, and the original is no longer necessary to retrieve and preserve as evidence, fruits or instrumentalities of a crime, the cellular phone will be returned within a reasonable time, if the party seeking return will stipulate to a forensic copy's authenticity (but not necessarily relevancy or admissibility) for evidentiary purposes.

If a cellular phone cannot be returned, agents will make available to the phone's owner, within a reasonable time period after the execution of the warrant, copies of files that do not contain or constitute contraband; passwords, account information, or personally-identifying information of victims; or the fruits or instrumentalities of crime.

For purposes of authentication at trial, the Government is authorized to retain a digital copy of all cellular phones seized pursuant to this warrant for as long as is necessary for authentication purposes.